IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

CRP.No. 595 of 2006(A)

AGAINST THE ORDER DATED 03/06/2006 IN EP. 26 /2005 IN OS.21/1999 of SUB COURT,ATTINGAL

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REVN. PETITIONER(COUNTER PETITIONER/DEFENDANT/JD)

VIJAYAN NAIR, S/O.GOPALAKRISHNA PANICKER, (MANAGING PARTNER OF VASANTHAM OFFSET PRINTERS MYTHANAM, VARKALA), KARIYERA VEEDU, JANARDHANAPURAM DESOM, VARKALA VILLAGE.

BY ADV. SRI.G.S.REGHUNATH

RESPONDENT(PETITIONER/DECREE HOLDER):

P.R.VIJAYAN, S/O.RAGHAVAN, SANTHI NIVAS, KATTADIVILA, CHERUNNIYOOR VILLAGE AND DESOM.

BY ADV. SRI.VAKKOM N.VIJAYAN
SRI.R.SURESH
SMT.VINITHA PRASANNAN
SRI.P.ANIYAN
SMT.RAGAM.K.P.
SMT.REENA.C.STEPHENSON
SRI.A.S.SACHIN
SRI.A.S.SACHIN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 30/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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C.R.P. NO. 595 OF 2006

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Dated this the 30th day of January, 2007.

O R D E R

This revision is preferred against the order of the Sub Judge, Attingal in E.P.26/05. The decree holder has obtained a decree for realisation of the amount and an application was filed to send the judgment debtor to jail as he has sufficient means and wilfully neglected to pay the amount. The trial court ordered arrest. Against that judgment debtor has come up in revision and he paid Rs.10,000/- as ordered by this Court in order to avoid detention.

2. The decree holder also had entered appearance. After hearing both sides I feel that a reasonable time can be granted to the judgement debtor to pay off the decree amount. Therefore, the Civil Revision Petition is disposed of directing the revision petitioner to pay the balance decree amount in six monthly instalments starting from 1/3/07. If there is any failure to pay two monthly instalments consecutively, the benefit of instalment facility will be lost and he is also precluded from raising the plea of

no means and the decree holder can proceed to realise the amount by arrest and detention of the judgement debtor

The C.R.P. is disposed of accordingly.

M.N. Krishnan, Judge.

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